

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

United States of America,

plaintiff,

v.

Edgar Williams,

defendant.

Cr. No. 03-00270 SOM

21 U.S.C. §860(a)

DECLARATION OF COUNSEL

Stuart N. Fujioka, an attorney duly licensed before this Honorable Court, hereby declares that the following is true and based on personal knowledge.

1. I am court-appointed counsel to defendant Edgar Williams and am authorized to make this declaration.

2. On 12/14/07, defendant was sentenced to 12 months in jail for violations of supervised release.

3. Said term is set to expire 12/5/08.

4. At the FDC, his Unit team Manager Carrie Cervantes indicates that halfway house placement would be conducive to Edgar's rehabilitation.

A. He is eligible for bedspace set to open 10/31/08.

B. Defendant is motivated to pursue employment and substance abuse relapse prevention.

5. Defendant will be unable to take advantage of the halfway house opportunity as long as he has bench warrants issued by any

court.

6. While in custody serving his current sentence, defendant was not transported to the District Court of the First Circuit, State of Hawaii for two scheduled matters.

7. Accordingly, Bench warrants were issued:

A. 1DTA 07-08883, 1/17/08, see Exh. A.

B. 1DTC 06-069168, 2/22/08, see Exh. B.

8. On 7/31/08, I wrote to the Warrants Division of the State Sheriff's Office, requesting service of the warrants upon the defendant in custody [exh. C].

9. On 8/21/08, Sergeant Aipolani explained that his office lacks jurisdiction to serve a Federal inmate, and the Office of the Prosecuting Attorney will not obtain a writ of habeas corpus ad prosequendum for traffic and/or contempt matters as they are not of sufficient severity.

10. As it stands, defendant can go to the halfway house if he resolves his traffic matters, but he cannot resolve his traffic matters unless he goes to the halfway house. Such an inauspicious beginning will undoubtedly limit his chances of success. He respectfully requests that the Court intervene and release him for a few hours in order to address the outstanding warrants which were issued while he sat helplessly in jail.

Dated: Honolulu, Hawaii, SEP 3 2008.



Stuart N. Fujioka